

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2004**

KENAI FJORDS NATIONAL PARK

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15, 2004. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received comments from one individual, consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, and comments from the State of Alaska.

GENERAL COMMENTS:

Determinations:

The State of Alaska (State) pointed out that the parks deal with determinations differently and has asked for more consistency, suggesting that a separate document be created to list the determinations.

The National Park Service (NPS) will attempt to incorporate the State's suggestion by creating a second section to the compendium that includes the lengthier determinations. Short italicized explanations may still accompany an individual compendium entry to facilitate reader understanding.

Use of state law

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases.

Limit applicability to Federal Lands

The State requests an introduction to each compendium explaining that these compendium regulations only apply to park areas managed by the NPS.

We concur with the comment and have added in the introductory paragraph the phrase *in park areas* and in addition a sentence referencing the applicability and scope of the regulations and the compendium found in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1. These sections carefully articulate where the regulations, and the compendium, apply.

Compendiums as educational tools:

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education.

However, the NPS believes that the purpose of the compendiums is to serve as a compilation of designations, closures, openings and other restrictions.

Use of the terms “aircraft,” “airplane” and “fixed-wing aircraft”

The Wilderness Society (TWS), National Parks Conservation Association (NPCA) and Alaska Center for the Environment (ACE) commented that the term *aircraft* is used in the compendiums when they felt that the terms *airplane* and *fixed-wing aircraft* would be more appropriate based on Section 1110(a) of ANILCA.

The NPS believes that the use of the term *aircraft* is appropriate where used since the term is identical to that used in the regulations. And while the term *aircraft* is used, fixed-wing aircraft uses are the only aircraft specifically permitted under 43 CFR 36.11.

36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS:

2.1 (a) (5) Designated areas for walking or climbing on cultural sites

Except where there are park specific issues, the State has encouraged consistent wording, commenting that the current wording might confuse readers.

The NPS will continue to attempt to attain consistency using the following phrase, which specifically addresses the regulation paragraph. The italics section has been expanded for clarity, incorporating the State’s suggestion.

“There are no designated areas or conditions.”

Walking or climbing on cultural resources is prohibited. This protects cultural and archeological resources.

2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water

The State of Alaska has suggested adoption of compendium entries that will bring the NPS fishing regulations in Alaska into conformity with State Regulations. The Alaska specific regulation permitting fishing in park areas, 36 CFR 13.21 adopts applicable State and Federal law to the extent not inconsistent with 36 CFR 2.3. The NPS believes that any compendium entries must continue to be consistent with the regulations in Section 2.3.

2.14(a)(7) Sanitation designated areas for disposal of fish remains.

The State suggested consistency and clarity. Based on the comment the entry has been modified. We believe the following is consistent with the regulation and provides clarity for the reader.

“There are no designated areas.”

Fish remains may not be disposed on either land or water within 200 feet of public boat docks, designated swim beaches, or within developed areas for reasons of public health and safety.

2.14(a)(9) Human waste disposal in nondeveloped areas.

Where possible, the State of Alaska has suggested a uniform distance of 100 feet as the appropriate distance from water, campsites, or a trail, and further consideration concerning the use of cat holes and disposal of toilet paper.

The NPS agrees to adopt a uniform distance but would like to work further with the State to consider national research and standards on this issue in determining the most appropriate distance. We concur that further dialogue is appropriate on these issues, especially as technology and other factors develop.

2.15(a)(1) Pets

The State of Alaska states that prohibition of pets in the backcountry at Denali, Kenai Fjords and Glacier Bay needs to be implemented through special regulations, except on an emergency or temporary site-specific basis.

This section provides the Superintendent with the authority to close any structure or area to pets, and although we do not believe that this closure requires a special regulation at this time, we are committed to working toward the goal of moving these closures to special regulations. We hope to include Kenai Fjords, Denali and Glacier Bay in a Phase II special regulation package.

Specific to Kenai Fjords National Park, the State comments that a “park wide” closure is not justified. In response to previous state comments on this section, Kenai Fjords has significantly reduced the closure area both temporally and spatially, to focus upon the detriment to park resources. This closure does not affect use of state owned tidelands adjacent to park lands, nor does it close the upland forests more than ¼ mile from the mean high tide line. Finally, service animals and dogs used for mushing and skijoring are allowed throughout the park.

3.6(k) Launching or operating airboats

The Wilderness Society, National Parks Conservation Association, and the Alaska Center for the Environment request the NPS change this section to reflect the national prohibition on airboats. They state that ANILCA and its implementing regulations do not specifically provide for airboat use. And furthermore, they state that the NPS has identified airboats to be a separate and distinct class of boat.

After considering the Wilderness Society, NPCA and ACE comments, the NPS believes that the reference to 3.6(k) is unnecessary in the compendium since 36 CFR 3.6(k) does not provide the superintendent with discretionary authority. We will eliminate the reference to 3.6(k). We wish to continue discussion on the issue, however.

13.17(e)(5)(i) Designated cabins for general public use.

The State has recommended that in areas where public cabins exist and are not under public use permit the parks adopt language giving the public short term authority to use the cabins for up to 14 days.

There are significant differences in cabin management between the parks in Alaska for a variety of reasons. The NPS believes that this issue cannot be addressed with general language and must be addressed on a park-by-park basis.

13.19(b) Carrying Firearms

The State encourages the NPS to 1) provide for the use of bear spray in all Alaska park units, 2) allow the use of firearms, nets and traps for legitimate hunting, fishing, and trapping under state and federal laws, and 3) allow transport of firearms for legal purposes across the former Katmai National Monument.

The NPS appreciates the State of Alaska's comments on our current efforts to initiate a Phase I special regulation package to modify existing regulations.

13.22(c) Unattended personal property

The State of Alaska supported our efforts in establishing a default time period, recognizing the public's seasonal needs, and requiring the identification of personal property. The State objected to our limit of 30 gallons, the requirement of storing fuel 100 feet from a water source and the requirement of approved steel fuel containers.

We received no other comments on this section. In the near future the NPS plans on proposing special regulations and hopes that public comments will help provide direction on this issue, specifically the gallon limit and the requirement of storing away from a water source. We agree that the requirement for a steel fuel container may be unnecessary and will drop that requirement. There are some concerns, however, that plastic fuel containers may be a problem involving bears and we will continue to work with all interested parties on this matter.

Specific to Kenai Fjords National Park, the state objected to the provision in this section which limits storage of personal property in the park to 30 days as opposed to the four month limit in all other areas except Glacier Bay National Park and Preserve. There are no allowed subsistence, sport hunting, fishing, or commercial activities in Kenai Fjords which require extended caching of food, fuel, or other supplies. Thirty days is adequate time for any recreational user to traverse the entire coast of the park, with time for pre-trip staging and post trip pick up of caches. Further 13.22(c)6 provides an adequate mechanism for those cases where caching for longer than 30 days is required. This provision assures that managers will communicate directly with the property owner, mitigate concerns, and agree on provisions that meet the users needs while avoiding resource detriment.

13.30(d)(2) Temporary closures and restrictions

The State of Alaska has commented that it believes special regulations are needed to address restrictions on camping. The NPS appreciates the State's suggestions on this issue and plans to propose new camping special regulations, based on existing State regulations.

Additional comments

Kenai Fjords National Park received one specific comment from the general public during the compendium review that did not directly relate to park compendiums. This comment addressed the application process for and selection of guide services in Alaskan National Parks.

This comment was forwarded to the Concessions office of the National Park Service's Alaska Region, Anchorage Office for reply.

KENAI FJORDS NATIONAL PARK COMPENDIUM 2004

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of all NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Kenai Fjords National Park, Seward, Alaska at (907) 224-7500, for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(1) Visiting hours, public use limits, closures

Technical climbing and rock/ice scrambling is prohibited on Exit Glacier from the terminus area to a point one-half mile up the glacier from the terminus point during the period of April 1 through November 1.

This restriction serves to protect the safety of visitors, whether climbers or bystanders below, from falling ice at the glacial terminus during the summer season. It also protects the scenic and aesthetic values of this highly visible area for the majority of visitors. It provides for climbing activity at Exit Glacier but keeps it on safer and more stable ice and safely away from heavily used pedestrian trails below. Climbing is allowed in winter months when the terminus is less active, ice more solid, and bystanders are generally not present. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

The riding or use of bicycles, unicycles, skateboards, roller skates, in-line skates, or similar devices is prohibited on the deck and sidewalks of the Visitor Center / Headquarters building and on the main trail to the glacier, the Nature Trail, and the

Glacier Overlook Loop in the Exit Glacier Study Area¹. These trails are shown on the attached map.

This restriction is based on the determination that public safety is threatened by the use of these devices in these crowded pedestrian areas. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

See specific sections in this document for additional information regarding closures, visiting hours, and public use limits.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

1.6(f) Compilation of activities requiring a permit

- Scientific research, (1.5)
- Collecting research specimens, (2.5)
- Operating a power saw in developed areas, (2.12(a)(2))
- Operating a portable motor or engine in undeveloped areas, (2.12(a)(3))
- Operating a public address system, (2.12(a)(4))
- Air delivery, (2.17(a)(3))
- Noncommercial soliciting, (2.37)
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, (2.38(a))
- Special events, (2.50(a))
- Public assemblies and meetings, (2.51(a))
- Sale and distribution of printed matter, (2.52(a))
- Grazing, (2.60(a)(1), (2))
- Residing on federal lands, (2.61(a))
- Installing a monument, (2.62(a))
- Commercial notices or advertisements, (5.1)
- Commercial operations, (5.3)
- Commercial photography or filming, (5.5)
- Repair or construction of any structure or facility, road, trail, or airstrip on federal lands, (5.7)
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit)
- Abandoned property, leaving property unattended for over 12 months, (13.22(b))
- Cabins on federal lands-
 - ◊ General use and occupancy, (13.17(e)(1), (2))
 - ◊ Cabins otherwise authorized by law, (13.17(e)(8))
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, (43 CFR 36.10(b))

¹ The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

- Salvaging, removing, possessing aircraft, (43 CFR 36.11 (f)(3)(ii))
- Helicopter landings, (43 CFR 36.11(f)(4))
- Off-road vehicle (ORV) use, (43 CFR 36.11(g)(2))
- Temporary access across federal land for survey, geophysical or exploratory work, (43 CFR 36.12(c))

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead and downed timber for firewood

Superseded by 13.20(b)(4).

2.1(a)(5) Designated areas and conditions for walking, climbing on archeological cultural resource sites

There are no designated areas or conditions.

Walking or climbing on archeological cultural resources sites is prohibited. This protects cultural and archeological resources.

2.1(b) Designated trails

On the Harding Icefield trail, leaving the trail to shortcut between portions of the same trail is prohibited, except in areas that are covered with snow or unvegetated rock or scree. Hikers shall remain on the designated trail in all areas where the trail passes through alpine tundra vegetation.

Except as noted above and in §1.5(a)(1), all areas of the park are open to hiking and walking.

This restriction serves to protect plant and soil resources and public investment in trail development from damage. Hikers cutting switchbacks along the heavily used trail easily damage shallowly rooted vegetation on steep slopes. Heavy rain and snow then erodes these denuded areas, eliminating topsoil required by plants and destroying the trail, which must then be rebuilt to allow access to this popular hiking area. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.1(c)(1-3) Designated fruits and berries, nuts, and unoccupied seashells to harvest by hand

Superseded by 13.20(b)(1). All edible fruits, berries, mushrooms, and natural plant food items may be gathered by hand for personal consumption.

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas

Persons transporting harvested wildlife through the park are required to identify themselves and the location where the wildlife was harvested when requested by an NPS employee or other authorized person.

This requirement is intended to allow transport of legally taken game across park lands. It protects hunters transporting legally taken game from accusations of illegal taking of game within park units, and reduces wasted time and expense for all parties investigating reports of this activity.

2.2(e) Designated areas for wildlife viewing with artificial light

No areas are designated for closure.

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas are designated as open for fishing from motor road bridges and boat docks.

2.4(a)(2)(i) Carrying of weapons at designated locations and times

Superseded by 13.19(b).

2.10(a) Camping-conditions and permits

Registration is recommended, but not required, prior to any backcountry camping within Kenai Fjords National Park.

2.10(d) Food storage - designated areas and methods

Throughout the park, all food, food containers, garbage, harvested fish and equipment used to cook or store food must be stored in one of the following ways when not in use:

- secured within a hard sided building, or
- secured within lockable and hard sided section of a vehicle, vessel, or aircraft, or
- in a bear resistant food container, or
- suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, wire cable, or other object.

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.
- Food that is being transported, consumed or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.
- Food, food containers, garbage, harvested fish and equipment used to cook or store food on the Harding Icefield at least 1 mile from its edge, defined by large contiguous areas of snow and ice free rock or vegetation.

A bear resistant section or container is securable and constructed in such a manner and of material capable of preventing access by a brown or black bear. Acceptable Bear Resistant Food Containers include:

- PVC plastic or aluminum backpacker canisters (such as those manufactured by Garcia Machine, Wild Ideas, or Purple Mountain Engineering)
- Park provided metal food lockers at some coastal campsites
- steel drums with locking rings
- modified military ammo cans or bear resistant metal panniers
- metal raft dry boxes.

Unacceptable Bear Resistant Food Containers include:

- ice chests
- coolers
- tents
- dry bags or stuff sacks
- plastic packing boxes (Totes, Action Packers, etc.)
- hard or soft shelled kayaks with standard hatch covers

At the Exit Glacier Campground, all food will be stored either in a vehicle or in the locker of the campground cooking shelter. All food preparation, cooking and eating shall be done in the campground cooking shelter. No food items shall be taken to, consumed, or stored at the individual campsites.

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.11 Picnicking - designated areas

Superseded by 13.18(b).

2.13(a)(1) Fires - Designated areas and conditions

- Fires in the Exit Glacier Study Area² are allowed only in the designated steel fire rings that are provided at the campground cooking shelter and the picnic shelter and warming hut adjacent to the main parking lot.
- Building or maintaining a fire within 600 feet of the North Arm or Holgate public use cabins is prohibited except in NPS provided campfire rings or below the mean high tide line.
- Building or maintaining a fire within the 5 acre National Park Service leased parcel surrounding the Aialik public use cabin is prohibited except in NPS provided campfire rings or below the mean high tide line.
- All trash (i.e., tin foil, burnt food, glass, and cans) must be removed from fire sites after use.

These requirements are intended to ensure that the visual and ecological impacts of campfires and cooking fires are limited in high use areas. Fire rings attract trash and food residue as campers attempt to burn trash before leaving the area. High temperature impact soils and impairs plant growth. Trampling and soil compaction

² The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

occurs around fire rings as well. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.14(a)(2) Sanitation and refuse - using government receptacles

Dumping of refuse brought into the park in the NPS trash receptacles is prohibited unless otherwise authorized by the Superintendent.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.14(a)(5) Sanitation - designated areas for bathing and washing

The pit toilets at the Exit Glacier Campground and at coastal public use cabins are designated for the disposal of wastewater from dishwashing and bathing activities. Bathing is not permitted in the restrooms adjacent to the main parking area at Exit Glacier.

2.14(a)(7) Sanitation - designated areas for disposal of fish remains

There are no designated areas.

Fish remains may not be disposed of on either land or water within 200 feet of public boat docks, designated swimming beaches, or within developed areas for reasons of public health and safety.

2.14(a)(8) Sanitation - human waste in developed areas

Human waste must be disposed of in public restrooms and outhouses where available.

2.14(a)(9) Sanitation - designated areas for disposal of human waste in undeveloped areas

Solid human body waste will either be removed as trash or deposited in cat-holes dug at least 100 feet from any surface freshwater source, shoreline, campsite or trail. Catholes must be at least 6 inches deep. If frozen or snow covered ground precludes use of catholes, waste should be removed as trash.

This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.14(b) Sanitation- conditions concerning disposal, carrying out of human waste

Toilet paper will be burned or removed as trash.

2.15(a)(1), (a)(3), (a)(5), (b), (e) Pets

Pets are prohibited on all trails in the Exit Glacier Study Area³, away from any established road in the Exit Glacier Study Area, on the Harding Icefield trail, in all public use cabins, housing, in all park administrative facilities. Pets are prohibited in the coastal corridor of the park's Natural Zone (as defined by the park's General Management Plan), within the area extending from the mean high tide line to one

³ The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

quarter mile inland (see attached map) from April 1 through November 1. Pets on the Exit Glacier Road and in the Exit Glacier parking areas must be restrained on a leash which shall not exceed six feet in length, or must be otherwise physically confined at all times. These restrictions do not apply when sufficient snow exists for skiing or dog sled use, provided that the dog(s) are restrained as part of a sled dog team or for the purposes of skijoring, nor to Service animals at any time.

These restrictions serve to protect park wildlife and visitors from the negative impacts of domestic animals. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters and attached.

2.16(a)-(c) Horses and pack animals

Superseded by 43 CFR 36.11(e).

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited at present.

2.17(c)(1) Removal of downed aircraft

Superseded by 43 CFR 36.11(f)(3)(ii).

2.18(c) Snowmobiles-designated areas for use

No areas are designated for snow machine use.

Superseded in part by 43 CFR 36.11(c) Special access.

2.19(a) Winter activities-designated areas

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities listed in §2.19(a).

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

Smoking is prohibited in the Seward Visitor Center, in the Exit Glacier Road Maintenance Facility, in the Exit Glacier Ranger Station and ranger residences, in the Aialik Bay and Nuka Bay ranger residences, in all public use cabins, and in any other park structure. Smoking is prohibited in any NPS owned or leased vehicle, and on any park vessel. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facilities.

These restrictions are intended to protect public health from the effects of smoking and minimize the risk of fire and explosions around fuel storage and dispensing facilities. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.22 Property - leaving property unattended for 24 hours

Superseded by 13.22.

2.35(a)(3)(i) Alcoholic beverages - areas closed to consumption

No areas are closed to consumption of alcoholic beverages.

2.38(b) Explosives - areas designated for using fireworks

No areas designated for use of fireworks. Fireworks are prohibited.

2.51(e) Public assemblies/meetings - designated areas

- Exit Glacier parking lot, the small plaza bounded by the recreational vehicle parking lot on the northeast, the car parking lot on the northwest, and the bus traffic lane and handicapped parking area on the south. See attached map.
- Seward Visitor Center - The graveled area behind the building, bounded by the following perimeter: a line running east from the rear public entrance to the northern-most interpretive kiosk, then north to the fire hydrant on the south side of the paved fire lane, then west to the northeast corner of the Visitor Center building. See attached map.

2.52(e) Sale and distribution of printed matter—areas designated for such use

- Exit Glacier – An area bounded by the western edge of the parking lot entry road on the east, an east-west line between the northern most disabled parking space and the large boulder in the plaza on the north, a north-south line between the large erratic boulder in the plaza and the southern edge of the paved plaza to the west, and the edge of the paved plaza on the south. See attached map.
- Seward Visitor Center – The graveled area behind the building, bounded by the following perimeter: a line running east from the rear public entrance to the northern-most interpretive kiosk, then north to the fire hydrant on the south side of the paved fire lane, then west to the northeast corner of the Visitor Center building.

2.60(a)(3) Designated areas for grazing

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit within the Park. Any feed brought in must be “weed-free”.

These restrictions seek to lessen the impact of extended camps on vegetation and minimize the risk of nonnative plant invasion.

2.62(b) Memorialization-designation of areas for scattering ashes

All areas of the park are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.3 Permits

No permits required at present.

3.6(i) Boating, prohibited operations - designated launching areas

No designated areas.

3.6(l) Operating a vessel in excess of designated size

No maximum size designations at present.

3.20(a) Water skiing-designated waters

No designated areas.

3.21(a)(1) Swimming and bathing-areas designated as closed

All areas are open to swimming. No designated bathing locations.

3.23(a) SCUBA and snorkeling - designated conditions in swimming areas, docks, etc.

No restrictions at present.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Travel on park roads and designated routes-areas designated for off-road use in Preserves

Not applicable. See 43 CFR 36.10, 36.11(c), (g).

4.11(a) Load weight and size limits - permit requirements and restrictive conditions

No restrictions at present.

4.21(b)-(c) Speed limits-designation of a different speed limit

The speed limit on Exit Glacier Road from the park boundary to the Exit Glacier Parking Lot is 35 mph.

4.30(a) Bicycles-closed areas

Superseded by 43 CFR 36.11(e).

4.30(d)(1) Wilderness closed to bicycle use

Superseded by 43 CFR 36.11(e).

4.31 Hitchhiking-designated areas

All areas of the park are open to hitchhiking.

PART 13. ALASKA REGULATIONS

SUBPART A – PUBLIC USE AND RECREATION

13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established at present (may require access permit).

13.17(e)(5)(i) Designated cabins or other structures for general public use

The following cabins are designated for public use:

Holgate Arm Cabin

Aialik Bay Cabin

North Arm Cabin

Willow Cabin (October 15 – April 15)

13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins

A Special Use Permit is required for occupancy of any public use cabin.

13.18(a) Restricted areas for camping

Areas temporarily restricted or closed to camping are listed under 13.30(d)(2).

13.18(b) Picnicking-areas where prohibited by posted signs

No closed or restricted areas.

13.19(b) Carrying firearms

Firearms may be carried throughout the Park in accordance with all applicable state and federal laws. Temporary restrictions will be listed under 13.30(d)(2).

13.20(d) Preservation of natural features

No dead standing trees may be cut within one half mile of any public use cabin. See attached map. Cutting of standing live trees is prohibited under 2.1(a)(4).

The cutting of **standing** dead trees is prohibited in the Exit Glacier Study Area⁴.

The Exit Glacier Study Area is visited by up to 200,000 people each year. Dead standing snags are an important component of the scenery in the Exit Glacier area, especially in riparian areas, and their loss will have a significant adverse impact on visitor enjoyment of park resources. Many of these trees provide an important visual testimony to the on-going ecological succession following retreat of the glacier. Dead standing trees provide important habitat for wildlife. Bald eagles and other raptors such as goshawks use these snags for perching while hunting and other small cavity-nesting birds and mammals utilize this habitat as well. A large quantity of downed dead wood is available in the area around the Exit Glacier Campground for campfires. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

The cutting of **standing** dead trees is prohibited along the coastal corridor of the park's Natural Zone (as defined by the park's General Management Plan), within the area extending from the mean high tide line to one quarter mile inland. See attached map.

The trees are a unique and important component of scenery along the park coast and their loss will have a significant adverse impact on visitor enjoyment of park resources. These drowned forests stand as a visual testimony to the forces of the 1964 Great Alaskan Earthquake and are a unique characteristic of the outer Kenai coast. Many of these trees have cultural significance, bearing the marks of the prehistoric and historic native inhabitants of the coast. These "culturally-modified

⁴ The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

trees" are irreplaceable and are an important resource to scientists, native Alaskans and the general public. Dead standing trees and snags provide important habitat for wildlife. Bald eagles use these drowned forests extensively for perching while hunting along the shoreline, and other small cavity nesting birds utilize this habitat as well. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

13.22(c) Designate areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored

Personal property.

- (1) Leaving personal property longer than 30 days is prohibited.
- (2) All personal property must be labeled with the name of the owner, home address, telephone number, date that the property was left, and the type of fuel if the property left contains fuel. Failure to label in accordance with this section is prohibited.
- (3) All property must be stored in such a manner that wildlife is unable to access the contents. Storing property in a manner that wildlife can access contents is prohibited.
- (4) Leaving fuel in more than one location in a park area is prohibited without the superintendent's authorization. Leaving more than 30 gallons is prohibited unless authorized by the superintendent.
- (5) Unless authorized by the superintendent, storing fuel within 100 feet of any water source, high water mark of a body of water, or mean high tide is prohibited. Fuel must be contained in an undamaged and closed fuel container designed for fuel storage. Fueling from containers must occur in such a manner that any spillage would be prevented from coming into contact with water, soil, or vegetation.
- (6) A Special Use Permit may be obtained from the superintendent for unique or special circumstances that require property to be left in place for more than 30 days. All such requests must be made in writing to the superintendent.
- (7) Leaving property unattended for longer than 24 hours on facilities is prohibited unless authorized by the Superintendent.
- (8) Property left in violation of any prohibition in this section is subject to impoundment, and, if abandoned, disposal or forfeiture.

Unlabeled or undated caches are an indication that the owner has no intention of returning or retrieving the property. Experience indicates that caches older than 30 days are usually abandoned. Unlabeled fuel is of questionable use since fuel deteriorates with age. Fuel caches require special containers and handling because fuel spills can contaminate soil and water. Fluctuating river levels and unstable stream banks make streamside, gravel bar, and flood plain cache locations unsuitable. This restriction is intended to limit abandonment of personal property in the park and impacts to resources and other park users. Provisions are provided for longer-term storage of gear where warranted with permission of the Superintendent. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters and attached..

13.30(d)(1) Temporary closures and restrictions relating to the use of aircraft, motorboats, and non-motorized surface transportation or to the taking of fish and wildlife

No closures or restrictions at present.

13.30(d)(2) Temporary closures and restrictions (other)

Camping: In effect from March 1st-November 1st

- Camping within 500 feet of the North Arm or Holgate public use cabin is prohibited except on designated tent pads, below the mean high tide line, or as otherwise authorized by the Superintendent.
- Camping within the 5 acre National Park Service leased parcel surrounding the Aialik public use cabin is prohibited except on designated tent pads, below the mean high tide line, or as otherwise authorized by the Superintendent.
- Camping within the Exit Glacier Study Area⁵ is prohibited within ½ mile of any road or trail, with the exception of designated sites in the Exit Glacier Campground. Camping more than 1/2 mile from a road or trail but within the Exit Glacier Study Area is allowed only on areas that are covered with snow or unvegetated rock or scree.
- Camping at the Exit Glacier Campground shall not exceed 14 consecutive nights per person, or 14 total nights in a six-month period per person.
- No more than 6 persons and/or 2 tents may occupy a single campsite in the Exit Glacier Campground. Tents are allowed only on designated tent pads as marked by rock borders, gravel pads, signs, or similar devices.

These restrictions serve to protect plant and wildlife resources in the heavily used Exit Glacier and coastal public use cabin areas by limiting group size and prescribing camp locations in these areas to avoid fragile alpine or coastal vegetation. They also serve to protect the recreational experience of all visitors by limiting time any one group can occupy a site and preventing camping directly on or in immediate sight of the heavily used Harding Icefield Trail or day use areas adjacent to Exit Glacier. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures or restrictions on the use of snowmachines for traditional activities

The Superintendent will notify the public when snow cover is adequate for the Park to allow snowmachine use each winter season. The public will also be notified of any changes in conditions (inadequate snow cover) resulting in any temporary closures or restrictions on snowmachine use and or re-openings following such temporary closures or restrictions.

36.11(d) Temporary closures or restrictions on use of motorboats

No closures or restrictions at present.

⁵ The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

36.11(e) Temporary closures or restrictions on use of non-motorized surface transportation

See the listing under section 1.5(a)(1) regarding the closure to skating devices for safety reasons.

36.11(f)(1) Temporary closures or restrictions on landing areas for fixed-wing aircraft

No closures or restrictions at present.

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft.

A permit is required from the Superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

36.11(g)(1) Use of off-road vehicles (ORV) on established trails

No trails designated for ORV use at present.

Please see the attached appendices for maps and/or more extensive determinations below.

This compendium is approved and supercedes all previous editions:

Anne D. Castellina, Superintendent

Date

October 18, 2002

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Technical climbing, including rock and ice climbing and scrambling, at Exit Glacier

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c), the Superintendent of Kenai Fjords National Park has determined that in order to provide for the safety of visitors it is necessary to restrict climbing on the terminus of Exit Glacier to winter months only (November 1 – March 31).

The reasons for this restriction are as follows:

1. During relatively warm summer months, ice faces along the terminus of the glacier are weak due to melting and forward advance. They are prone to frequent falls and collapse of caves and tunnels. Melt water streams flow from the terminus with great force, and change unpredictably. Outburst floods can occur at any time along the terminus. For these reasons, the glacial face is unsafe for climbing on, over, or under during the summer months.
2. A visitor was killed by falling ice in the summer of 1987. In a subsequent legal action, the court found that the National Park Service had an affirmative duty to take appropriate actions to prevent similar future incidents.
3. This restriction will allow the National Park Service to fulfill this mandate and protect visitors while still allowing access when conditions permit.

The reasons less restrictive measures will not be effective are as follows:

1. Park employees are stationed near the face of the glacier daily during summer months to educate visitors and prevent accidents. Warning signs are also in place in high danger areas. Park bulletin boards, brochures, and other written materials warn of this danger as well.
2. Despite these efforts, large numbers of visitors climb on or under the glacier daily. When confronted, a common question is “Is it illegal?” or “Will I get a ticket?” When informed that it is not per se illegal, a number of visitors will proceed to enter dangerous areas, often placing minor children in dangerous positions for the sake of a photograph.
3. Thus, experience has shown that less restrictive methods of education and warnings has not been effective in keeping people out of danger areas. If this situation

continues, it will result in serious injury or death to a visitor, risk to rescuers, and significant legal expenses to the government.

4. Implementation of this restriction allows the temporary posting of “Closed Area”, with notice of monetary fines. It also allows, in extreme cases, law enforcement action to be taken to remove visitors from dangerous areas. It is anticipated that actual violation notices or arrests based upon this restriction will be extremely rare, as most people will voluntarily comply with a regulation well established and posted.

Signed:

Anne D. Castellina
Superintendent

February 25, 2003

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Prohibition of Pets in backcountry areas – 36 CFR 2.15

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c), the Superintendent of Kenai Fjords National Park has determined that in order to provide for the protection of resources and public safety it is necessary to prohibit pets from all areas of the park except the Exit Glacier Road and parking lot. This prohibition does not apply to dogs harnessed for a dog sled or skijor team in winter or to working service animals.

The reasons for this restriction are as follows:

1. While traveling or hiking with pets may be a positive experience for the owner, pets frequently have negative impacts on park resources, notably wildlife, and on the experience of other visitors. These impacts include, but are not limited to, noise, pursuit, harassment, defecation, and scent marking of wildlife habitat. Even leashed pets bark, defecate, and urinate.
2. Potentially dangerous wildlife such as moose and bears may engage pets – either chasing and attacking, or being chased. Pets chasing wildlife is unacceptable harassment, while pets chased by wildlife will frequently return to their owner, creating a risk to human safety and an unnecessary expenditure of caloric energy on the part of the wildlife.
3. The use of pets is not required in order to have a positive recreational experience. It is optional. In those cases where a pet facilitates access (e.g. Service animals and winter activities such as mushing) the use of such pets is allowed.
4. The backcountry contains two types of terrain which is readily used by visitors. These are the snow covered Harding Icefield, and small, isolated coastal beaches and limited adjacent forested land, separated and surrounded by cliffs and glaciers. Use of harnessed pets for mushing or skijoring on the Harding Icefield would be allowed by this restriction. Use of coastal beaches and adjacent uplands above the mean high tide line would not be allowed.
5. Current and ongoing research into both Black and coastal Brown Bear populations and behavior within the park confirms that these isolated beaches are very important forage habitat for bears. Visitors introducing pets into this environment are typically pleasure boaters who travel with dogs and take them ashore to let them run loose and exercise free of the confines of the boat.
6. Nesting shorebirds lay eggs directly on beaches just above the tidal zone during early summer. Pets, leashed or unleashed, may disturb eggs and / or frighten adult birds from the nest.

7. Popular anchorages may see multiple boats / dogs on a nice weekend, which in turn equates to several hours of lost foraging time for wildlife.
8. The park is surrounded by other public land, such as the Chugach National Forest, and Alaska State DNR land, where pets are allowed in keeping with the respective missions and legal mandates of those agencies. Rangers routinely direct pet owners to those alternate sites to accommodate their recreational activities while fulfilling the strict wildlife protection mandate of the National Park Service.
9. This restriction will allow the National Park Service to fulfill this mandate and protect visitors while still allowing access when conditions permit.

The reasons less restrictive measures will not be effective are as follows:

1. Any pet in a park area, even where allowed, must be on a leash or under direct physical control at all times. While this measure may prevent pursuit and harassment of wildlife and other visitors, it does not prevent barking, defecation, or scent marking through urination, all of which may disturb wildlife of all types.
2. Further, Rangers issue approximately 100-200 warnings and approximately 3-5 tickets annually for pets off leash and / or in closed areas despite extensive signing and published educational material in the park newspaper, brochures, and on bulletin boards. When contacted, roughly 30-40% state that they were unaware of the rules, while 60-70% state that they knew the rules regarding leashes but chose not to comply unless confronted by authority.
3. The experience of these rangers indicates that leash laws in backcountry areas would be generally ignored. It would be better to maintain a standard policy that pets are generally inappropriate in National Park Service backcountry settings and that other accommodations should be made for them.

Signed:

Anne D. Castellina
Superintendent

February 25, 2003

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Restrictions on Unattended Property – 36 CFR § 13.22(c)

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c), the Superintendent of Kenai Fjords National Park has determined that in order to provide for the protection of resources it is necessary to place restrictions and conditions on unattended property left in the park.

These restrictions include:

- (1) Leaving personal property longer than 30 days is prohibited.
- (2) All personal property must be labeled with the name of the owner, home address, telephone number, date that the property was left, and the type of fuel if the property left contains fuel. Failure to label in accordance with this section is prohibited.
- (3) All property must be stored in such a manner that wildlife is unable to access the contents. Storing property in a manner that wildlife can access contents is prohibited.
- (4) Leaving fuel in more than one location in a park area is prohibited without the superintendent's authorization. Leaving more than 30 gallons is prohibited unless authorized by the superintendent.
- (5) Unless authorized by the superintendent, storing fuel within 100 feet of any water source, high water mark of a body of water, or mean high tide is prohibited. Fuel must be contained in an undamaged and closed fuel container designed for fuel storage. Fueling from containers must occur in such a manner that any spillage would be prevented from coming into contact with water, soil, or vegetation.
- (6) A Special Use Permit may be obtained from the superintendent for unique or special circumstances that require property to be left in place for more than 30 days. All such requests must be made in writing to the superintendent.
- (7) Leaving property unattended for longer than 24 hours on facilities is prohibited unless authorized by the Superintendent.
- (8) Property left in violation of any prohibition in this section is subject to impoundment, and, if abandoned, disposal or forfeiture.

The reasons for this restriction are as follows:

Abandoned and unattended property has the potential to negatively impact park resources and users. Fuel spills, wildlife obtaining human food, and aesthetic impairments are primary concerns.

There are no allowed subsistence, sport hunting, fishing, or commercial activities in Kenai Fjords which require extended caching of food, fuel, or other supplies.

Thirty days is adequate time for any recreational user to traverse the entire coast of the park, with time for pre-trip staging and post trip pick up of caches.

Further 13.22(c)6 provides an adequate mechanism for those cases where caching for longer than 30 days is required. This provision assures that managers will communicate directly with the property owner, mitigate concerns, and agree on provisions that meet the users needs while avoiding resource detriment.

These restrictions reasonably allow for caching of property to support recreational activities in the park while allowing management control, user accountability, and resource protection.

The reasons less restrictive measures will not work are:

Historically, the park has found that property left more than 30 days is likely abandoned and requires cleanup and removal at public expense. Should special circumstances dictate a longer storage period or larger quantity of fuel, etc., a Special Use Permit can be issued to allow for that.

There is no foreseeable need for more than 10 gallons of fuel per user for stoves, small engines, etc. Again, a Special Use Permit can be issued to accommodate unusual circumstances.

Requirements for containment of leaks and storage away from wildlife are the minimum acceptable restriction for resource protection.

Requirements for the marking of caches are the minimum required to contact / locate owners and resolve any problems.

Signed:

Anne D. Castellina
Superintendent

October 18, 2002

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Use of bicycles, unicycles, roller skates, skateboards, and similar devices

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c), the Superintendent of Kenai Fjords National Park has determined that in order to protect public safety it is necessary to prohibit the use of these devices on any porch or deck of the Headquarters building and Visitor Center in Seward and on the main trail, Nature Trail, and Overlook Loop Trail in the Exit Glacier area.

The reasons for this restriction are as follows:

1. Large numbers of pedestrians, including those with limited mobility, use these decks to access Park Headquarters and the Visitor Center.
2. These decks are small and frequently crowded. Pedestrians may be struck by wheeled vehicles or their users or may be injured trying to quickly move out of the path of such vehicles.
3. These decks do not represent a significant access route for wheeled vehicles to the park or its resources.
4. Bicyclists, skateboarders, and roller skaters enjoy using the raised deck as a recreational site, making high speed runs and jumps across and over it.
5. Vehicles parked adjacent to the deck are commonly damaged when these skaters or bicyclists strike them, and the flagpole on the deck has suffered several hundred dollars in damage from skateboard use in the last 3 years.
6. The main trail at Exit Glacier is paved with asphalt between the parking lot and a point about ¼ mile from the terminus. This path is approximately 7 feet wide and makes an attractive recreation area for bicyclists and skaters.
7. This use has increased significantly over the last year since the Exit Glacier Road has been paved in its entirety.
8. Almost all visitors to the glacier use this main path, and it is often crowded, especially in summer months. This crowding makes it unsafe to ride a bicycle or skate, as pedestrians may be struck and injured.

9. The Nature Trail and Overlook Loop Trail are both narrow (1-3 feet wide) and unpaved, with rough uneven surfaces and terrain varying from nearly flat to very steep. Heavy vegetation along the trails severely limits sight distance.
10. Bicyclists or skaters on these trails readily overtake hikers and may have difficulty stopping due to steep slopes. To avoid collision, cyclists or skaters would be required to leave the trail into the vegetation and risk injury.
11. Moose and bear are common on these trails daily from late spring through late fall. Cyclists and skaters risk injury to themselves should they cause a surprise encounter on these trails.

The reasons less restrictive measures will not be effective are as follows:

1. The limited space on the decks and trails does not allow for separation of uses by area or zone.
2. Implementation of restrictions such as speed limits in lieu of prohibition is impractical and enforcement would be extremely difficult and expensive.
3. The area involved is relatively small and there is little demand for recreational cycling and skating relative to the high use of the area by pedestrians, including families with small children, school groups, organized tours, and Elderhostel program.

Signed:

Anne D. Castellina
Superintendent

October 18, 2002

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Cutting switchbacks on the Harding Icefield Trail

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.1(b), the Superintendent of Kenai Fjords National Park has determined that in order to prevent adverse impacts to park resources, hikers using the Harding Icefield Trail are prohibited from leaving the trail to shortcut between portions of the same trail (ie “cut switchbacks”).

The reasons for this restriction are as follows:

1. The Harding Icefield Trail is located on a steep mountain ridge, and ascends over 3000 vertical feet in approximately 3.5 miles.
2. This area receives heavy rain and snowfall annually, resulting in large quantities of water washing down the slope and across the trail on a regular basis.
3. Roots of vegetation naturally occurring on the slopes protect soil from erosion and slows water to limit trail damage. This vegetation is not resilient and is easily damaged or killed by limited numbers of hikers stepping on it.
4. The trail is designed with switchbacks, waterbars, and similar features to prevent this running water from damaging the trail and causing undue erosion to surrounding soils.
5. Hikers leaving the trail damage or kill adjacent vegetation and leave bare soil. Where this occurs on steep slopes, such as between switchbacks, it provides a natural watercourse. Fast moving water, not slowed by vegetation, removes soil and thus hampers natural revegetation.
6. This waterflow also damages lower sections of trail, requiring repair and replacement of tread material, switchbacks, and other features. This repair work is time and labor intensive due to its remote location and thus is very expensive.
7. Prohibiting off trail hiking between switchbacks limits resource damage, management expense, and improves hiker safety.

The reasons less restrictive measures will not be effective are as follows:

1. Hiker education has been undertaken since the trail was constructed and will continue with this prohibition in place. While education alone has undoubtedly limited this activity, it has not stopped it entirely.
2. Signs, bulletin boards, park maps and handouts, and personal contact have been and continue to be used to educate and warn hikers of this problem.
3. When employees encounter hikers cutting switchbacks, they find that the hikers generally knew of the educational efforts but chose not to follow the recommendations, generally because they were running or jumping down the slope and decided that fun or speed was more important than preventing vegetation damage, soil erosion, and trail damage.
4. In these cases, when written and verbal education and warnings have been ineffective at changing behavior which causes adverse impacts to the resource, additional enforcement authority may be required to gain compliance. This designation gives that authority to park personnel.

Signed:

Anne D. Castellina
Superintendent

November 4, 2002

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Fires

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.13(a)(1) the Superintendent of Kenai Fjords National Park has determined that in order to prevent adverse impacts to park resources, fires in the Exit Glacier Study Area are limited to established fire rings; no fires are permitted within 500 feet of the Holgate and North Arm coastal Public Use Cabins nor within the 5 acre site lease surrounding the Aialik Bay Public Use Cabin unless below the high tide line; and that no trash or food waste be left in fire rings after burning.

The reasons for this restriction are as follows:

1. The Exit Glacier Study Area is a small area of concentrated day use on a system of trails. Camping is limited to designated sites in the established campground.
2. As a recently deglaciated area, soils in the Exit Glacier area are subject to on going scientific study by biologists and ecologists interested in vegetative succession.
3. High temperatures impact soils and impair plant growth.
4. Trampling and soil compaction occur around fire rings as part of their use, which in turn further impacts soils and their ability to support vegetation.
5. Established fire rings at the campground and picnic area provide places for cooking or warming fires while limiting soil impacts to these discrete sites.
6. Coastal public use cabins are sites of concentrated use. Development of fire rings around the cabins create soil impacts and a network of social trails and trampled areas which do not readily heal.
7. This restriction provides for fires on rocky beaches below the cabins where soil impacts are minimal and trails do not form.
8. Fire rings tend to attract burnt trash and food residue as campers attempt to dispose of waste. Because not everything burns completely, small amounts of plastic, glass, aluminum foil, and food scraps are frequently left behind. This condition ensures that users are responsible for removing these materials from the area upon departure.

The reasons less restrictive measures will not be effective are as follows:

1. This restriction allows fires throughout the park but places conditions on locations in two limited areas – Exit Glacier and near the three public use cabins. The rest of the park is open to unrestricted fire use.
2. The only less restrictive measure would be the allowance of fires in more areas at Exit Glacier and the public use cabins, but in order to minimize soil impacts, users

would be required to insulate the soils through a buildup of material and / or a fire pan, which would be a more intrusive and onerous condition than that outlined above.

Signed:

Anne D. Castellina
Superintendent

November 1, 2002

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.10(d), the Superintendent of Kenai Fjords National Park has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food sources only. Obtaining human food negatively alters behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the park. Bears are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to habituation to human food sources. Once they have learned to associate a site or item (e.g. campsite, dumpster, tent, kayak, etc.) with acquisition of food, they will return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While the nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.
7. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the park or on adjacent lands.
8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

9. Steep terrain and ice limit habitable areas for wildlife and camping areas for humans. These areas frequently overlap, and increase the potential for negative human / wildlife encounters.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper storage and disposal of food and garbage have been undertaken by local, state, and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife / human conflict and impacts.
2. Recognizing that variations in environment and recreational activity require multiple food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:
 - Professionally built metal food lockers have been installed at most commonly used camping beaches in the coastal backcountry.
 - Cables with hanging lines and pulleys have been installed on lesser used beaches.
 - Park supplied bear resistant food storage containers (BRFC) are available for free loan at park headquarters and through one or more water taxi companies in Seward annually.
 - A common walk-in food storage locker was built in the Exit Glacier Campground for free use of all campers.
3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored in all areas of the park.
4. The food storage conditions imposed under this section allow a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.
5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under [5 AAC 84](#) - [5 AAC 92](#).

- Park employees lack authority to enforce this regulation directly, and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.
- If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove

“negligence” in court. The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.

6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment and facilities to promote compliance, these conditions are the less restrictive required to fulfill the park mission of protecting wildlife and human safety.

Signed:

Anne D. Castellina
Superintendent